

REMARKS

This is being filed in response to the Office Action dated June 23, 2004. The claims in the case are Claims 1, 4, 5, 29, and 35-37.

Applicants have amended claim 29 and have added claims 41 and 42, as helpfully suggested by the Examiner in order to clarify the claims. Applicants believe that no range of equivalents is surrendered by making this clarifying amendment.

Claims 1, 4, 6, 29 and 35 have been amended to recite "urine and feces" rather than "animal waste." Support for the amendment may be found, for example in the specification at page 4, lines 15-17. No new matter is added.

35 U.S.C. §112, second paragraph

The Office Action maintains the rejection of Claims 29 and 35-37 under 35 U.S.C. §112, second paragraph, as indefinite due to the claim being a "nominal method claim, indicative of the natural purpose of the compositions." Applicants herein amend claims 29 and 35 as helpfully suggested by the Examiner. Applicants believe that no range of equivalents is surrendered by making this clarifying amendment. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

35 U.S.C. §102(b)

The Office Action rejects claims 1, 29 and 35 as allegedly anticipated by U.S. Patent No. 4,278,047 to Luca ("LUCA"), citing to col. 2. Although the Examiner fails to explain the reasoning for the rejection, the Examiner appears to be stating that benzalkonium chloride is a cross-adapting agent. There is nothing in the cited section that indicates that benzalkonium chloride is used as a cross-adapting agent. The Specification teaches at page 6, lines 17-22 that a cross-adapting agent is an agent that decreases sensitivity to one odorant after exposure to the cross-adapting agent. The term includes ethyl esters of 3M2H acid, including the Z and E ethyl esters, 3-methyl-2-pentanoic acid (3M2P) and 3-methyl-2-octenoic (3M2O) acid. As LUCA does not teach a cross-adapter, it cannot anticipate the claims. Withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

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PATENT

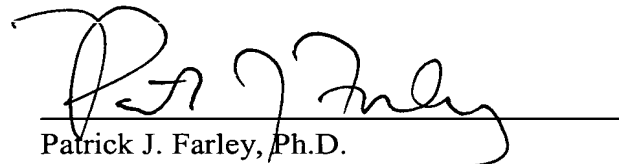
35 U.S.C. §103 (a)

The Office Action also rejects claims 1, 2, 5, 6, 29, 35 and 36 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,885,559 to Peterson ("PETERSON") and Pierce, J.D. *et al.* (1995) *Chem Senses* 20(4):401-411 ("PIERCE").

The Office Action alleges that PETERSON teaches reducing odors by adding a number of odor reducing agents to reduce sweat malodor. PIERCE is cited for allegedly teaching the cross-adapter, esters of hexanoic acids. First, each of the cited references is drawn to the problem of sweat smells. The instant application is drawn to animal waste (*e.g.*, feces and urine). To clarify the claims, the claims have been amended to recite "urine and feces" rather than "animal waste." Applicants earnestly submit that the claims are not obvious over the hypothetical combination of PETERSON and PIERCE.

Applicants earnestly submit that the claims are in condition for allowance and are patentable over the art of record. Prompt allowance of the claims is respectfully requested.

Respectfully submitted,



Patrick J. Farley, Ph.D.
Registration No. 42,524

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Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439